

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claim 2 was rejected under 35 USC § 112, second paragraph, as being indefinite. In response, Applicants have amended claim 2 to recite “10 to 30 nm” in accordance with paragraph [0025] of the published application, US 2006/0205835.

Claims 1, 2, 4, 5, 7, 9-17, 19 and 20 were rejected under 35 USC § 103(a) as being obvious over Schmidt et al. (“Schmidt”), US 5,910,522. In response, Applicants have incorporated the substance of claim 7 into claim 1, requiring that the silicate and/or silica gel particles have first been functionalized with a free-radical initiator and then coated with polyacrylate. That such functionalization contemplates chemical bonding to the free-radical initiator to the silicate and/or silica gel is supported by paragraph [0021] of the published application, referring to “the initiator system chemically attached to the surface of the particles of silicate and/or silica gel.” That the polyacrylate is likewise chemically attached to the silicate and/or silica gel is supported by, for example, paragraph [0019] of the published application, US 2006/0205835, which teaches:

“A further possibility is to functionalize the particles of silicate and/or silica gel with a free-radical initiator before adding them to the rest of the acrylate PSA, and of chemically attaching a polymer coat to the particles of silicate and/or silica gel, in a further step.”

See also, paragraphs [0026] and [0027]. Applicants respectfully submit that any person having

ordinary skill in the art would understand from the instant specification that the free-radical initiator is, in this embodiment, chemically bonded to the surface of the silicate and/or silica gel particles and then the polyacrylate coat is formed by polymerization beginning at the free-radical initiator, leading to the presently claimed situation, wherein the free-radical initiator is chemically bonded to the surface of the silicate and/or silica gel particles and the polyacrylate coat, in turn, is chemically bonded to the free-radical initiator. In short, Applicants do not believe that any of the changes to claim 1 introduce new matter.

There is absolutely no teaching or suggest of the claimed construct in Schmidt. Although the Examiner included claim 7 in this rejection, the Examiner did not show where in Schmidt there was any teaching or suggestion of functionalizing the silicate and/or silica gel with free-radical initiator and, therefore, the Examiner failed to make out a *prima facie* case of the obviousness of previous claim 7 and, thus, the present claims, which now all incorporate the substance of claim 7.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

Claims 1, 2, 4-7, 9-17, 19 and 20 were rejected under 35 USC § 103(a) as being obvious over Husemann et al. (“Husemann”), US 6,958,186, in view of Schmidt. In response, Applicants respectfully submit that this rejection suffers the same defects as the above-discussed rejection based on Schmidt alone. There is no teaching or suggestion in the combination of references that the polyacrylate coat on the silicate and/or silica gel particles is chemically bonded to a free-

radical initiator which is, in turn, chemically bonded to the surface of the silicate and/or silica gel particles.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection as well. An early notice that this rejection has been reconsidered and withdrawn is also earnestly solicited.

Claim 3 was rejected under 35 USC § 103(a) as being obvious over Schmidt as evidenced by Knovel (Knovel critical tables - Publication 2003). In response, Applicants point out that claim 3 depends on claim 1 and, therefore, also incorporates the construct limitations discussed above. There is nothing in Knovel that overcome the above-discussed failures of Schmidt to teach or suggest the claimed construct.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection as well. An early notice that this rejection has been reconsidered and withdrawn is also earnestly solicited.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
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